

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 United States of America,

Case No.: 2:17-cr-00027-JAD-GWF

4 Plaintiff

5 v.

**Order Denying Motion to Expunge
Felony Record**

6 Tommy Simmons,

[ECF Nos. 11, 12, 17]

7 Defendant

8 Tommy Simmons is under supervision in this district after his sentencing court
9 transferred jurisdiction to this district for his three-year term of supervised release. Simmons
10 asks this court to “Expunge/Seal or dismiss his prior” convictions “so that he can live the life of a
11 normal citizen[] and grow into a full scale businessman without being held back for [his] past.”¹
12 He cites “to the 115th Congress H.R. 5043 – Fresh Start Act of 2017–2018 & 2019–2020” as the
13 authority for such relief.²

14 Unfortunately for Simmons, the Fresh Start Act is not law. Though it was introduced in
15 the House of Representatives, it has not become law.³ Because Simmons has not identified any
16 valid authority for the court to grant the relief he requests, I deny his motion without prejudice to
17 Simmons’s ability to refile this motion if the Fresh Start Act becomes law.

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¹ ECF No. 12 at 3.

22 ² *Id.* at 2.

23 ³ See <https://www.congress.gov/bill/115th-congress/house-bill/5043/actions?KWICView=false>
(last visited 3/16/2020); [https://www.congress.gov/bill/116th-congress/house-bill/121/all-
actions?overview=closed&KWICView=false](https://www.congress.gov/bill/116th-congress/house-bill/121/all-actions?overview=closed&KWICView=false) (last visited 3/16/2020).


1 Simmons also asks the court to appoint counsel “to represent [him] in expunging” his
2 record. Because the court does not see a legal path to that relief at this time, the court does not
3 find good cause to appoint counsel. Simmons’s motion to appoint counsel is therefore denied.

4 **IT IS THEREFORE ORDERED** that Simmons’s motion to appoint counsel [ECF No.
5 **11] is DENIED;**

6 **IT IS FURTHER ORDERED** that the Motion to Expunge Felony Record [ECF No. 12]
7 **is DENIED;**

8 **IT IS FURTHER ORDERED** that the Request for Status Update [ECF No. 17] is
9 **DENIED** as moot because this order provides Simmons with the status of his pending motions.

10 Dated: March 16, 2020

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13 U.S. District Judge Jennifer A. Dorsey
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